



POLICE DEPARTMENT

September 22, 2015

MEMORANDUM FOR: Police Commissioner

Re: Police Officer Ryan Salgado
Tax Registry No. 946211
34 Precinct
Disciplinary Case No. 2013-10342

The above-named member of the Department appeared before me on August 3, 2015, charged with the following:

1. Said Police Officer Ryan Salgado, while assigned to the 34th Precinct, on July 29, 2013, while on-duty, did fail and neglect to promptly give a radio transmission disposition after completing an assigned radio run job.

P.G. 202-22 Page 1, Paragraph 7 - RADIO MOTOR PATROL RECORDER
DUTIES AND RESPONSIBILITIES

2. Said Police Officer Ryan Salgado, while assigned to the 34th Precinct, on August 6, 2013, did fail and neglect to provide an updated landline telephone number at his residence or a cellular telephone number to the Command Operations Coordinator.

P.G. 203-18 Page 1, Paragraph 3 - RESIDENCE REQUIREMENTS

3. Said Police Officer Ryan Salgado, while assigned to the 34th Precinct, on August 11, 2013, did fail and neglect to comply with the General Uniform Regulations, to wit; said Officer was on-duty assigned to a foot post, while unshaven, without his Activity Log binder and escape hood on his person.

P.G. 204-01 GENERAL UNIFORM REGULATIONS

The Department was represented by Javier Seymore, Esq., Department Advocate's Office, and Respondent was represented by Craig Hayes, Esq.

Respondent, through his counsel, entered a plea of Guilty to the subject charges and testified in mitigation of the penalty. A stenographic transcript of the mitigation record has been prepared and is available for the Police Commissioner's review.

DECISION

Respondent, having pleaded Guilty, is found Guilty as charged.

SUMMARY OF EVIDENCE IN MITIGATION

Specification 1 – Respondent testified that he received a radio run for an alarm sounding at a business. He responded, found that everything was secure at the restaurant, and resumed patrol. He transmitted a radio run for this job approximately five minutes later when he was about four blocks away. Central then called the alarm company and verified that everything was fine. (Tr. 7-8). Respondent testified that after leaving the restaurant, he got a 10-85 radio run from Manhattan Tack Force for all sectors to show up at the precinct. (Tr. 13).

Specification 2 – Respondent testified that when he switched cable companies, his landline phone number was changed and he forgot to update the number on his ten card. (Tr. 9). He had the new phone number for approximately a month prior to August 6, 2013. (Tr. 14).

Specification 3 – Respondent testified that he was assigned to work a foot post for the Dominican parade. He was driven to the post in an RMP and he left his tactical hood in the RMP. He stated that he couldn't get it back because the officers who dropped him off were busy. (Tr. 14).

With regard to not having the leather binder on his activity log, Respondent stated that he never went on patrol in the 34 Precinct with the leather binder, but instead kept it in his locker. He testified that supervisors who had signed his activity log before the date in question, never disciplined him for not having the binder and never instructed him to use the binder. (Tr. 11).

Respondent also admitted he was unshaven on the date charged due to the fact he was running late that day and had a "five o'clock shadow." (Tr. 12)

PENALTY

In order to determine an appropriate penalty, Respondent's service record was examined. See *Matter of Pell v. Board of Education*, 34 NY 2d 222 (1974). Respondent was appointed to the Department on January 7, 2008. Information from his personnel record that was considered in making this penalty recommendation is contained in an attached confidential memorandum.

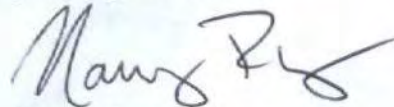
Respondent has pled guilty to failing to promptly give a radio transmission disposition, neglecting to update his phone number with his command, and failing to comply with uniform regulations. The Department Advocate requested a penalty of the loss of ten vacation days based on the totality of the three violations of the Patrol Guide. Respondent's counsel, on the other hand, argued that the penalty should be mitigated to a loss of four or five vacation days since the three specifications amounted to, "two weeks of extremely small and petty violations of the patrol guide." (Tr. 15, 20).

The Court acknowledges that in all of the specifications there were no serious consequences to Respondent's misconduct. Moreover, each specification when looked at

individually would merit only a command discipline. Given Respondent's record, however, the Department Advocate's penalty recommendation seems appropriate.

Accordingly, it is recommended that Respondent forfeit ten vacation days.

Respectfully submitted,



Nancy R. Ryan

Assistant Deputy Commissioner – Trials

APPROVED

NOV. 10 2015



WILLIAM J. BRATTON
POLICE COMMISSIONER

POLICE DEPARTMENT
CITY OF NEW YORK

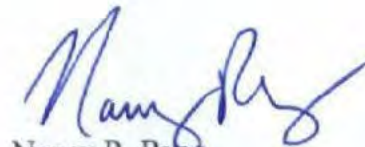
From: Assistant Deputy Commissioner – Trials
To: Police Commissioner
Subject: CONFIDENTIAL MEMORANDUM
POLICE OFFICER RYAN SALGADO
TAX REGISTRY NO. 946211
DISCIPLINARY CASE NO. 2013-10342

Respondent was appointed to the Department on January 7, 2008. His last three annual evaluations were as follows: he received a 3.5 overall rating of "Highly Competent/Competent" in 2014; a 3.0 rating of "Competent" in 2013; and a 2.5 rating of "Below Competent" in 2012. He has no medals.

In 2011, Respondent pled guilty to (i) obstructing governmental administration by attempting to prevent the arrest of his sister and (ii) struggling with a police officer who was attempting to effectuate an arrest and handcuff him. He negotiated a penalty of thirty (30) pretrial suspension days. Respondent was placed on Level II Discipline Monitoring on July 29, 2013 in connection with the instant charges and specifications. That monitoring remains ongoing.

[REDACTED]

For your consideration.



Nancy R. Ryan
Assistant Deputy Commissioner – Trials